

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSEPH YELLOW HAMMER,

Defendant.

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**CR-17-22-GF-BMM-JTJ**

**ORDER**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on May 17, 2019. (Doc. 47). Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on May 16, 2019. The United States alleged that Defendant Yellow Hammer violated the conditions of his supervised release by: 1) by failing to report for substance abuse testing; 2) by failing to report to his probation officer as directed; 3) by using marijuana; 4) by failing to report for substance abuse treatment; and 5) by failing to report for mental health treatment. Yellow Hammer did not admit or deny alleged violation 4. The government did not attempt to prove alleged violation 4. (Doc. 47 at 3). The violations that Yellow Hammer admitted prove serious and warrant revocation of Yellow Hammer's supervised release.

Judge Johnston has recommended that the Court revoke Yellow Hammer's supervised release and commit Yellow Hammer to the custody of the Bureau of Prisons for two (2) months. *Id.* Judge Johnston further has recommended that supervised release follow his custody period for twenty-two (22) months.

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Yellow Hammer's violations represent a serious breach of the Court's trust. A custody term of two (2) months with twenty-two (22) months of supervised release to follow is sufficient but not greater than necessary.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 47) are **ADOPTED IN FULL**.

**IT IS FURTHER ORDERED** that Defendant Joseph Yellow Hammer receive a custody sentence for two (2) months, followed by twenty-two (22) months of supervised release to follow.

DATED this 23rd day of May, 2019.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive style with a horizontal line extending from the end of the name.

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Brian Morris  
United States District Court Judge